

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

IN RE BAUSCH HEALTH COMPANIES INC.  
F/K/A VALEANT PHARMACEUTICALS  
INTERNATIONAL, INC., STOCKHOLDER  
DERIVATIVE LITIGATION

Lead Case No. 19-17833 (MAS) (LHG)

Case No. 19-17987 (MAS) (LHG)  
(Consolidated)

This Document Relates to:

ALL ACTIONS

**ORDER**

This matter comes before the Court on Defendants'<sup>1</sup> Motion to Adopt the Special Master's November 24, 2020 Report and Recommendation, which recommends granting Defendants' Motion to Dismiss the Amended Complaint filed by Plaintiffs William Wessels and David Shabbouei (collectively, "Plaintiffs"). (ECF No. 69.) Plaintiffs opposed but "only to the extent that [the Special Master's Report] may be read to recommend that the action be dismissed with prejudice." (Pls.' Opp'n Br. 1, ECF No. 70-1.)<sup>2</sup>

Having reviewed the Special Master's thorough and well-reasoned Report and Recommendation, the Court agrees with the Special Master's uncontested recommendation that Defendants' Motion be granted. (*See generally* R&R, ECF No. 66.) To the extent Plaintiffs request that dismissal be without prejudice, that request is also granted. Neither the Special Master's

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<sup>1</sup> Defendants consist of J. Michael Pearson, Howard B. Schiller, Robert L. Rosiello, Deborah Jorn, Tanya Carro, Ari S. Kellen, G. Mason Morfit, Robert N. Power, Robert A. Ingram, Theo Melas-Kyriazi, Norma A. Provencio, Katharine B. Stevenson, Jeffrey W. Ubben, D. Robert Hale, Ronald H. Farmer, Colleen A. Goggins, and Valeant Pharmaceuticals International, Inc.

<sup>2</sup> Plaintiffs filed a virtually identical "Objection." (See Pls.' Obj. Br. 1 ("While Plaintiffs disagree with the Report and reserve any and all rights with respect to appeal from any order of dismissal and judgment entered thereon by the District Court, Plaintiffs object to adoption of the Special Master's Report only to the extent that it may be read to recommend that the action be dismissed with prejudice."), ECF No. 68-1.)

Report and Recommendation nor Defendants' instant Motion suggests that dismissal should be with prejudice. Accordingly, for the reasons set forth in the Special Master's Report and Recommendation, and for good cause shown,

**IT IS**, on this 20th day of September 2021, **ORDERED** as follows:

1. Defendants' Motion to Adopt the Special Master's November 24, 2020 Report and Recommendation (ECF No. 69) is **GRANTED**.
2. Plaintiffs' Amended Complaint (ECF No. 45) is **DISMISSED** without prejudice.
3. The Clerk of the Court shall close this case.



MICHAEL A. SHIPP  
UNITED STATES DISTRICT JUDGE